

105TH CONGRESS
1ST SESSION

H. R. 1604

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1997

Received

AN ACT

To provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Findings; purpose.
- Sec. 3. Definitions.
- Sec. 4. Division of funds.
- Sec. 5. Development of tribal plans for use or distribution of funds.
- Sec. 6. Preparation of judgment distribution roll of descendants.
- Sec. 7. Plan for use and distribution of Bay Mills Indian Community funds.
- Sec. 8. Plan for use of Sault Ste. Marie Tribe of Chippewa Indians of Michigan funds.
- Sec. 9. Plan for use of Grand Traverse Band of Ottawa and Chippewa Indians of Michigan funds.
- Sec. 10. Payment to newly recognized or reaffirmed tribes.
- Sec. 11. Treatment of funds in relation to other laws.
- Sec. 12. Treaties not affected.

3 **SEC. 2. FINDINGS; PURPOSE.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Judgments were rendered in the Indian
 6 Claims Commission in dockets numbered 18–E, 58,
 7 and 364 in favor of the Ottawa and Chippewa Indi-
 8 ans of Michigan and in docket numbered 18–R in
 9 favor of the Sault Ste. Marie Tribe of Chippewa In-
 10 dians.

11 (2) The funds Congress appropriated to pay
 12 these judgments have been held by the Department
 13 of the Interior for the beneficiaries pending a divi-
 14 sion of the funds among the beneficiaries in a man-
 15 ner acceptable to the tribes and descendency group
 16 and pending development of plans for the use and
 17 distribution of the respective tribes' share.

18 (3) The 1836 treaty negotiations show that the
 19 United States concluded negotiations with the Chip-

1 pewa concerning the cession of the upper peninsula
2 and with the Ottawa with respect to the lower penin-
3 sula.

4 (4) A number of sites in both areas were used
5 by both the Ottawa and Chippewa Indians. The Ot-
6 tawa and Chippewa Indians were intermarried and
7 there were villages composed of members of both
8 tribes.

9 (b) PURPOSE.—It is the purpose of this Act to pro-
10 vide for the fair and equitable division of the judgment
11 funds among the beneficiaries and to provide the oppor-
12 tunity for the tribes to develop plans for the use or dis-
13 tribution of their share of the funds.

14 **SEC. 3. DEFINITIONS.**

15 For purposes of this Act the following definitions
16 apply:

17 (1) The term “judgment funds” means funds
18 appropriated in full satisfaction of judgments made
19 in the Indian Claims Commission—

20 (A) reduced by an amount for attorneys
21 fees and litigation expenses; and

22 (B) increased by the amount of any inter-
23 est accrued with respect to such funds.

24 (2) The term “dockets 18–E and 58 judgment
25 funds” means judgment funds awarded in dockets

1 numbered 18–E and 58 in favor of the Ottawa and
2 Chippewa Indians of Michigan.

3 (3) The term “docket 364 judgment funds”
4 means the judgment funds awarded in docket num-
5 bered 364 in favor of the Ottawa and Chippewa In-
6 dians of Michigan.

7 (4) The term “docket 18–R judgment funds”
8 means the judgment funds awarded in docket num-
9 bered 18–R in favor of the Sault Ste. Marie Band
10 of Chippewa Indians.

11 (5) The term “judgment distribution roll of de-
12 scendants” means the roll prepared pursuant to sec-
13 tion 6.

14 (6) The term “Secretary” means the Secretary
15 of the Interior.

16 **SEC. 4. DIVISION OF FUNDS.**

17 (a) **DOCKET 18–E AND 58 JUDGMENT FUNDS.**—The
18 Secretary shall divide the docket 18–E and 58 judgment
19 funds as follows:

20 (1) The lesser of 13.5 percent and
21 \$9,253,104.47, and additional funds as described in
22 this section, for newly recognized or reaffirmed
23 tribes described in section 10 and eligible individuals
24 on the judgment distribution roll of descendants.

1 (2) 34.6 percent to the Sault Ste. Marie Tribe
2 of Chippewa Indians of Michigan and the Bay Mills
3 Indian Community, of which—

4 (A) the lesser of 35 percent of the prin-
5 cipal and interest as of December 31, 1996,
6 and \$8,313,877 shall be for the Bay Mills In-
7 dian Community; and

8 (B) the remaining amount (less
9 \$161,723.89 which shall be added to the funds
10 described in paragraph (1)) shall be for the
11 Sault Ste. Marie Tribe of Chippewa Indians of
12 Michigan.

13 (3) 17.3 percent (less \$161,723.89 which shall
14 be added to the funds described in paragraph (1))
15 to the Grand Traverse Band of Ottawa and Chip-
16 pewa Indians of Michigan.

17 (4) 17.3 percent (less \$161,723.89 which shall
18 be added to the funds described in paragraph (1))
19 to the Little Traverse Bay Bands of Odawa Indians
20 of Michigan.

21 (5) 17.3 percent (less \$161,723.89 which shall
22 be added to the funds described in paragraph (1))
23 to the Little River Band of Ottawa Indians of Michi-
24 gan.

1 (6) Any funds remaining after distribution pur-
2 suant to paragraphs (1) through (5) shall be divided
3 and distributed to each of the recognized tribes list-
4 ed in this subsection in an amount which bears the
5 same ratio to the amount so divided and distributed
6 as the distribution of judgment funds pursuant to
7 each of paragraphs (2) through (5) bears to the
8 total distribution under all such paragraphs.

9 (b) DOCKET 364 JUDGMENT FUNDS.—The Secretary
10 shall divide the docket 364 judgment funds as follows:

11 (1) The lesser of 20 percent and \$28,026.79 for
12 newly recognized or reaffirmed tribes described in
13 section 10 and eligible individuals on the judgment
14 distribution roll of descendants.

15 (2) 32 percent to the Sault Ste. Marie Tribe of
16 Chippewa Indians of Michigan and the Bay Mills In-
17 dian Community, of which—

18 (A) 35 percent shall be for the Bay Mills
19 Indian Community; and

20 (B) the remaining amount shall be for the
21 Sault Ste. Marie Tribe of Chippewa Indians of
22 Michigan.

23 (3) 16 percent to the Grand Traverse Band of
24 Ottawa and Chippewa Indians of Michigan.

1 (4) 16 percent to the Little Traverse Bay
2 Bands of Odawa Indians of Michigan.

3 (5) 16 percent to the Little River Band of Ot-
4 tawa Indians of Michigan.

5 (6) Any funds remaining after distribution pur-
6 suant to paragraphs (1) through (5) shall be divided
7 and distributed to each of the recognized tribes list-
8 ed in this subsection in an amount which bears the
9 same ratio to the amount so divided and distributed
10 as the distribution of judgment funds pursuant to
11 each of paragraphs (2) through (5) bears to the
12 total distribution under all such paragraphs.

13 (c) DOCKET 18–R JUDGMENT FUNDS.—The Sec-
14 retary shall divide the docket 18–R judgment funds as fol-
15 lows:

16 (1) 65 percent to the Sault Ste. Marie Tribe of
17 Chippewa Indians of Michigan.

18 (2) 35 percent to the Bay Mills Indian Commu-
19 nity.

20 (d) AMOUNTS FOR NEWLY RECOGNIZED OR RE-
21 AFFIRMED TRIBES OR INDIVIDUALS ON THE JUDGMENT
22 DISTRIBUTION ROLL OF DESCENDANTS HELD IN
23 TRUST.—Pending distribution under this Act to newly
24 recognized or reaffirmed tribes described in section 10 or
25 individuals on the judgment distribution roll of descend-

1 ants, the Secretary shall hold amounts referred to in sub-
2 sections (a)(1) and (b)(1) in trust.

3 **SEC. 5. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DIS-**
4 **TRIBUTION OF FUNDS.**

5 (a) DISBURSEMENT OF FUNDS.—(1) Except as pro-
6 vided in paragraphs (2), (3), and (4), the Secretary shall
7 disburse each tribe's respective share of the judgment
8 funds described in subsections (a), (b), and (c) of section
9 4 not later than 30 days after a plan for use and distribu-
10 tion of such funds has been approved in accordance with
11 this section. Disbursement of a tribe's share shall not be
12 dependent upon approval of any other tribe's plan.

13 (2) Section 7 shall be the plan for use and distribu-
14 tion of the judgment funds described in subsections
15 (a)(2)(A), (b)(2)(A), and (c)(2) of section 4. Such plan
16 shall be approved upon the enactment of this Act and such
17 funds shall be distributed by the Secretary to the Bay
18 Mills Indian Community not later than 90 days after the
19 date of the enactment of this Act to be used and distrib-
20 uted in accordance with section 7.

21 (3) Section 8 shall be the plan for use and distribu-
22 tion of the judgment funds described in subsections
23 (a)(2)(B), (b)(2)(B), and (c)(1) of section 4. Such plan
24 shall be approved upon the enactment of this Act and such
25 funds shall be distributed by the Secretary to the Sault

1 Ste. Marie Tribe of Chippewa Indians of Michigan not
2 later than 90 days after the date of the enactment of this
3 Act to be used and distributed in accordance with section
4 8.

5 (4) Section 9 shall be the plan for use and distribu-
6 tion of the judgment funds described in subsections (a)(3)
7 and (b)(3) of section 4. Such plan shall be approved upon
8 the enactment of this Act and such funds shall be distrib-
9 uted by the Secretary to the Grand Traverse Band of Ot-
10 tawa and Chippewa Indians of Michigan, not later than
11 90 days after the date of the enactment of this Act to
12 be used and distributed in accordance with section 9.

13 (b) APPROVAL OR COMMENT OF SECRETARY.—(1)
14 Except as otherwise provided in this Act, each tribe shall
15 develop a plan for the use and distribution of its respective
16 share of the judgment funds. The tribe shall hold a hear-
17 ing or general membership meeting on its proposed plan.
18 The tribe shall submit to the Secretary its plan together
19 with an accompanying resolution of its governing body ac-
20 cepting such plan, a transcript of its hearings or meetings
21 in which the plan was discussed with its general member-
22 ship, any documents circulated or made available to the
23 membership on the proposed plan, and comments from its
24 membership received on the proposed plan.

1 (2) Not later than 90 days after a tribe makes its
2 submission under paragraph (1), the Secretary shall—

3 (A) if the plan complies with the provisions of
4 section 3(b) of the Indian Tribal Judgment Funds
5 Use or Distribution Act (25 U.S.C. 1403(b)), ap-
6 prove the plan; or

7 (B) if the plan does not comply with the provi-
8 sions of section 3(b) of the Indian Tribal Judgment
9 Funds Use or Distribution Act (25 U.S.C. 1403(b)),
10 return the plan to the tribe with comments advising
11 the tribe why the plan does not comply with such
12 provisions.

13 (c) RESPONSE BY TRIBE.—The tribe shall have 60
14 days after receipt of comments under subsection (b)(2),
15 or other time as the tribe and the Secretary agree upon,
16 in which to respond to such comments and make such re-
17 sponse by submitting a revised plan to the Secretary.

18 (d) SUBMISSION TO CONGRESS.—(1) The Secretary
19 shall, within 45 days after receiving the governing body's
20 comments under subsection (c), submit a plan to Congress
21 in accordance with the provisions of section 3(b) of the
22 Indian Tribal Judgment Funds Use or Distribution Act
23 (25 U.S.C. 1403(b)). If the tribe does not submit a re-
24 sponse pursuant to subsection (c), the Secretary shall, not
25 later than 45 days after the end of the response time for

1 such a response, submit a plan to Congress in accordance
2 with the provisions of section 3(b) of the Indian Tribal
3 Judgment Funds Use or Distribution Act (25 U.S.C.
4 1403(b)).

5 (2) If a tribe does not submit a plan to the Secretary
6 within 8 years of the date of enactment of this Act, the
7 Secretary shall approve a plan which complies with the
8 provisions of section 3(b) of the Indian Tribal Judgment
9 Funds Use or Distribution Act (25 U.S.C. 1403(b)).

10 (e) GOVERNING LAW AFTER APPROVAL BY SEC-
11 RETARY.—Once approved by the Secretary under this Act,
12 the effective date of the plan and other requisite action,
13 if any, is determined by the provisions of section 5 of the
14 Indian Tribal Judgment Funds Use or Distribution Act
15 (25 U.S.C. 1405).

16 (f) HEARINGS NOT REQUIRED.—Notwithstanding
17 section 3 and section 4 of the Indian Tribal Judgment
18 Funds Use or Distribution Act (25 U.S.C. 1403 and 25
19 U.S.C. 1404), the Secretary shall not be required to hold
20 hearings or submit transcripts of any hearings held pre-
21 viously concerning the Indian judgments which are related
22 to the judgment funds. The Secretary's submission of the
23 plan pursuant to this Act shall comply with section 4 of
24 the Indian Tribal Judgment Funds Use or Distribution
25 Act (25 U.S.C. 1404).

1 **SEC. 6. PREPARATION OF JUDGMENT DISTRIBUTION ROLL**
2 **OF DESCENDANTS.**

3 (a) PREPARATION.—

4 (1) IN GENERAL.—The Secretary shall prepare,
5 in accordance with parts 61 and 62 of title 25, Code
6 of Federal Regulations, a judgment distribution roll
7 of all citizens of the United States who—

8 (A) were born on or before the date of en-
9 actment of this Act;

10 (B) were living on the date of the enact-
11 ment of this Act;

12 (C) are of at least one-quarter Michigan
13 Ottawa or Chippewa Indian blood, or a com-
14 bination thereof;

15 (D) are not members of the tribal organi-
16 zations listed in section 4;

17 (E) are lineal descendants of the Michigan
18 Ottawa or Chippewa bands or tribes that were
19 parties to either the 1820 treaty (7 Stat. 207),
20 the 1836 treaty (7 Stat. 491), or the 1855 trea-
21 ty (11 Stat. 621);

22 (F) are lineal descendants of at least one
23 of the groups described in subsection (d); and

24 (G) are not described in subsection (e).

1 (2) TIME LIMITATIONS.—The judgment dis-
2 tribution roll of descendants prepared pursuant to
3 paragraph (1)—

4 (A) shall not be approved before 8 years
5 after the date of the enactment of this Act or
6 a final determination has been made regarding
7 each petition filed pursuant to section 10,
8 whichever is earlier; and

9 (B) shall be approved not later than 9
10 years after the date of the enactment of this
11 Act.

12 (b) APPLICATIONS.—Applications for inclusion on the
13 judgment distribution roll of descendants must be filed
14 with the superintendent, Michigan agency, Bureau of In-
15 dian Affairs, Sault Ste. Marie, Michigan, not later than
16 1 year after the date of enactment of this Act.

17 (c) APPEALS.—Appeals arising under this section
18 shall be handled in accordance with parts 61 and 62 of
19 title 25, Code of Federal Regulations.

20 (d) GROUPS.—The groups referred to in subsection
21 (a)(1)(F) are Chippewa or Ottawa tribe or bands of—

22 (1) Grand River, Traverse, Grand Traverse,
23 Little Traverse, Maskigo, or L'Arbre Croche,
24 Cheboigan, Sault Ste. Marie, Michilmackinac; and

1 (2) any subdivisions of any groups referred to
2 in paragraph (1).

3 (e) INELIGIBLE INDIVIDUALS.—An individual is not
4 eligible under this section, if that individual—

5 (1) received benefits pursuant to the Secretarial
6 Plan effective July 17, 1983, for the use and dis-
7 tribution of Potawatomi judgment funds;

8 (2) received benefits pursuant to the Secretarial
9 Plan effective November 12, 1977, for the use and
10 distribution of Saginaw Chippewa judgment funds;

11 (3) is a member of the Keweenaw Bay Chip-
12 pewa Indian Community of Michigan on the date of
13 the enactment of this Act;

14 (4) is a member of the Lac Vieux Desert Band
15 of Lake Superior Chippewa Indians on the date of
16 the enactment of this Act; or

17 (5) is a member of a tribe whose membership
18 is predominantly Potawatomi.

19 (f) USE OF HORACE B. DURANT ROLL.—In prepar-
20 ing the judgment distribution roll of descendants under
21 this section, the Secretary shall refer to the Horace B.
22 Durant Roll, approved February 18, 1910, of the Ottawa
23 and Chippewa Tribe of Michigan, as qualified and cor-
24 rected by other rolls and records acceptable to the Sec-
25 retary, including the Durant Field Notes of 1908–1909

1 and the Annuity Payroll of the Ottawa and Chippewa
2 Tribe of Michigan approved May 17, 1910. The Secretary
3 may employ the services of the descendant group enroll-
4 ment review committees.

5 (g) PAYMENT OF FUNDS.—Subject to section 10, not
6 later than 90 days after the approval by the Secretary of
7 the judgment distribution roll of descendants prepared
8 pursuant to this section, the Secretary shall distribute per
9 capita the funds described in subsections (a)(1) and (b)(1)
10 of section 4 to the individuals listed on that judgment dis-
11 tribution roll of descendants. Payment under this sec-
12 tion—

13 (1) to which a living, competent adult is enti-
14 tled under this Act shall be paid directly to that
15 adult;

16 (2) to which a deceased individual is entitled
17 under this Act shall be paid to that individual's heirs
18 and legatees upon determination of such heirs and
19 legatees in accordance with regulations prescribed by
20 the Secretary; and

21 (3) to which a legally incompetent individual or
22 an individual under 18 years of age is entitled under
23 this Act shall be paid in accordance with such proce-
24 dures (including the establishment of trusts) as the

1 Secretary determines to be necessary to protect and
2 preserve the interests of that individual.

3 **SEC. 7. PLAN FOR USE AND DISTRIBUTION OF BAY MILLS**
4 **INDIAN COMMUNITY FUNDS.**

5 (a) TRIBAL LAND TRUST.—(1) The Executive Coun-
6 cil of the Bay Mills Indian Community shall establish a
7 nonexpendable trust to be known as the “Land Trust”.
8 Not later than 60 days after receipt of the funds distrib-
9 uted to the Bay Mills Indian Community pursuant to this
10 Act, the Executive Council of the Bay Mills Indian Com-
11 munity shall deposit 20 percent of the share of the Bay
12 Mills Indian Community into the Land Trust.

13 (2) The Executive Council shall be the trustee of the
14 Land Trust and shall administer the Land Trust in ac-
15 cordance with this section. The Executive Council may re-
16 tain or hire a professional trust manager and may pay
17 the prevailing market rate for such services. Such payment
18 for services shall be made from the current income ac-
19 counts of the trust and charged against earnings of the
20 current fiscal year.

21 (3) The earnings generated by the Land Trust shall
22 be used exclusively for improvements on tribal land or the
23 consolidation and enhancement of tribal landholdings
24 through purchase or exchange. Any land acquired with

1 funds from the Land Trust shall be held as Indian lands
2 are held.

3 (4) The principal of the Land Trust shall not be ex-
4 pended for any purpose, including but not limited to, per
5 capita payment to members of the Bay Mills Indian Com-
6 munity.

7 (5) The Land Trust shall be maintained as a separate
8 account, which shall be audited at least once during each
9 fiscal year by an independent certified public accountant
10 who shall prepare a report on the results of such audit.
11 Such report shall be a public document, and shall be avail-
12 able for inspection by any member of the Bay Mills Indian
13 Community.

14 (6) Notwithstanding any other provision of law, the
15 approval of the Secretary of any payment from the Land
16 Trust shall not be required and the Secretary shall have
17 no trust responsibility for the investment, supervision, ad-
18 ministration, or expenditure of funds from the Land
19 Trust.

20 (b) LAND CLAIMS DISTRIBUTION TRUST.—(1) The
21 Executive Council of the Bay Mills Indian Community
22 shall establish a nonexpendable trust to be known as the
23 “Land Claims Distribution Trust Fund”. Not later than
24 60 days after receipt of the funds distributed to the Bay
25 Mills Indian Community pursuant to this Act, the Execu-

1 tive Council of the Bay Mills Indian Community shall de-
2 posit into the Land Claims Distribution Trust Fund the
3 principal funds which shall consist of—

4 (A) amounts remaining of the funds distributed
5 to the Bay Mills Indian Community after distribu-
6 tion pursuant to subsections (a) and (c);

7 (B) 10 percent of the annual earnings gen-
8 erated by the Land Claims Distribution Trust Fund;
9 and

10 (C) such other funds which the Executive Coun-
11 cil chooses to add to the Land Claims Distribution
12 Trust Fund.

13 (2) The Executive Council shall be the trustee of the
14 Land Claims Distribution Trust Fund and shall admin-
15 ister the Land Claims Distribution Trust Fund in accord-
16 ance with this section. The Executive Council may retain
17 or hire a professional trust manager and may pay for said
18 services the prevailing market rate. Such payment for
19 services shall be made from the current income accounts
20 of the trust and charged against earnings of the current
21 fiscal year.

22 (3) 90 percent of the annual earnings of the Land
23 Claims Distribution Trust Fund shall be distributed on
24 October 1 of each year after the creation of the trust fund
25 to any person who—

1 (A) is enrolled as a member of the Bay Mills
2 Indian Community;

3 (B) is at least 55 years of age as of the annual
4 distribution date; and

5 (C)(i) has been enrolled as a member of the
6 Bay Mills Indian Community for a minimum of 25
7 years as of the annual distribution date, or

8 (ii) was adopted as a member of the Bay Mills
9 Indian Community on or before June 30, 1996.

10 (4) In the event that a member of the Bay Mills In-
11 dian Community who is eligible for payment under sub-
12 section (b)(3), should die after preparation of the annual
13 distribution roll and prior to the October 1 distribution,
14 that individual's share for that year shall be provided to
15 the member's heirs at law.

16 (5) In the event that a member of the Bay Mills In-
17 dian Community who is at least 55 years of age and who
18 is eligible for payment under subsection (b)(3), shall have
19 a guardian appointed for said individual, such payment
20 shall be made to the guardian.

21 (6) Under no circumstances shall any part of the
22 principal of the Land Claims Distribution Trust Fund be
23 distributed as a per capita payment to members of the
24 Bay Mills Indian Community, or used or expended for any
25 other purpose by the Executive Council.

1 (7) The Land Claims Distribution Trust Fund shall
2 be maintained as a separate account, which shall be au-
3 dited at least once during each fiscal year by an independ-
4 ent certified public accountant who shall prepare a report
5 on the results of such audit. Such report shall be a public
6 document and shall be available for inspection by any
7 member of the Bay Mills Indian Community.

8 (8) Notwithstanding any other provision of law, the
9 approval of the Secretary of any payment from the Land
10 Claims Distribution Trust Fund shall not be required and
11 the Secretary shall have no trust responsibility for the in-
12 vestment, supervision, administration, or expenditure of
13 the Fund.

14 (c) LAND CLAIMS INITIAL PAYMENT.—As compensa-
15 tion to the members of the Bay Mills Indian Community
16 for the delay in distribution of the judgment fund, pay-
17 ment shall be made by the Executive Council within 30
18 days of receipt of the Bay Mills Indian Community's share
19 of the judgment fund from the Secretary, as follows:

20 (1) The sum of \$3,000 to each enrolled member
21 of the Bay Mills Indian Community living on the
22 date of enactment of this legislation, who has at-
23 tained the age of 55 years, but is less than 62 years
24 of age, if that individual was adopted into or a mem-

1 ber of the Bay Mills Indian Community on or before
2 June 30, 1996.

3 (2) The sum of \$5,000 to each enrolled member
4 of the Bay Mills Indian Community living on the
5 date of enactment of this legislation, who is at least
6 62 years of age and less than and 70 years of age,
7 if that individual was adopted into or a member of
8 the Bay Mills Indian Community on or before June
9 30, 1996.

10 (3) The sum of \$10,000 to each enrolled mem-
11 ber of the Bay Mills Indian Community living on the
12 date of enactment of this legislation, who is 70 years
13 of age or older, if that individual was adopted into
14 or a member of the Bay Mills Indian Community on
15 or before June 30, 1996.

16 (d) ANNUAL PAYMENTS FROM LAND CLAIMS DIS-
17 TRIBUTION TRUST FUND.—The Executive Council shall
18 prepare the annual distribution roll and ensure its accu-
19 racy prior to August 30 of each year prior to distribution.
20 The distribution roll shall identify each member of the Bay
21 Mills Indian Community who, on the date of distribution,
22 will have attained the minimum age and membership du-
23 ration required for distribution eligibility, as specified in
24 subsection (b)(3). The number of eligible persons in each
25 age category defined in this subsection, multiplied by the

1 number of shares for which the age category is entitled,
2 added together for the 3 categories, shall constitute the
3 total number of shares to be distributed each year. On
4 each October 1, the shares shall be distributed as follows:

5 (1) Each member who is at least 55 years of
6 age and less than 62 years of age shall receive 1
7 share.

8 (2) Each member who is between the ages of 62
9 and 69 years shall receive 2 shares.

10 (3) Each member who is 70 years of age or
11 older shall receive 3 shares.

12 **SEC. 8. PLAN FOR USE OF SAULT STE. MARIE TRIBE OF**
13 **CHIPPEWA INDIANS OF MICHIGAN FUNDS.**

14 (a) SELF-SUFFICIENCY FUND.—

15 (1) The Sault Ste. Marie Tribe of Chippewa In-
16 dians of Michigan (referred to in this section as the
17 “Sault Ste. Marie Tribe”), through its board of di-
18 rectors, shall establish a trust fund for the benefit
19 of the Sault Ste. Marie Tribe which shall be known
20 as the “Self-Sufficiency Fund”. The principal of the
21 Self-Sufficiency Fund shall consist of—

22 (A) the Sault Ste. Marie Tribe’s share of
23 the judgment funds transferred by the Sec-
24 retary to the board of directors pursuant to
25 subsection (e);

1 (B) such amounts of the interest and other
2 income of the Self-Sufficiency Fund as the
3 board of directors may choose to add to the
4 principal; and

5 (C) any other funds that the board of di-
6 rectors of the Sault Ste. Marie Tribe chooses to
7 add to the principal.

8 (2) The board of directors shall be the trustee
9 of the Self-Sufficiency Fund and shall administer
10 the Fund in accordance with the provisions of this
11 section.

12 (b) USE OF PRINCIPAL.—

13 (1) The principal of the Self-Sufficiency Fund
14 shall be used exclusively for investments or expendi-
15 tures which the board of directors determines—

16 (A) are reasonably related to—

17 (i) economic development beneficial to
18 the tribe; or

19 (ii) development of tribal resources;

20 (B) are otherwise financially beneficial to
21 the tribe and its members; or

22 (C) will consolidate or enhance tribal land-
23 holdings.

24 (2) At least one-half of the principal of the Self-
25 Sufficiency Fund at any given time shall be invested

1 in investment instruments or funds calculated to
2 produce a reasonable rate of return without undue
3 speculation or risk.

4 (3) No portion of the principal of the Self-Suffi-
5 ciency Fund shall be distributed in the form of per
6 capita payments.

7 (4) Any lands acquired using amounts from the
8 Self-Sufficiency Fund shall be held as Indian lands
9 are held.

10 (c) USE OF SELF-SUFFICIENCY FUND INCOME.—

11 The interest and other investment income of the Self-Suf-
12 ficiency Fund shall be distributed—

13 (1) as an addition to the principal of the Fund;

14 (2) as a dividend to tribal members;

15 (3) as a per capita payment to some group or
16 category of tribal members designated by the board
17 of directors;

18 (4) for educational, social welfare, health, cul-
19 tural, or charitable purposes which benefit the mem-
20 bers of the Sault Ste. Marie Tribe; or

21 (5) for consolidation or enhancement of tribal
22 lands.

23 (d) GENERAL RULES AND PROCEDURES.—

24 (1) The Self-Sufficiency Fund shall be main-
25 tained as a separate account.

1 (2) The books and records of the Self-Suffi-
2 ciency Fund shall be audited at least once during
3 each fiscal year by an independent certified public
4 accountant who shall prepare a report on the results
5 of such audit. Such report shall be treated as a pub-
6 lic document of the Sault Ste. Marie Tribe and a
7 copy of the report shall be available for inspection by
8 any enrolled member of the Sault Ste. Marie Tribe.

9 (e) TRANSFER OF JUDGMENT FUNDS TO SELF-SUF-
10 FICIENCY FUND.—

11 (1) The Secretary shall transfer to the Self-Suf-
12 ficiency Fund the share of the funds which have
13 been allocated to the Sault Ste. Marie Tribe pursu-
14 ant to section 4.

15 (2) Notwithstanding any other provision of law,
16 after the transfer required by paragraph (1) the ap-
17 proval of the Secretary for any payment or distribu-
18 tion from the principal or income of the Self-Suffi-
19 ciency Fund shall not be required and the Secretary
20 shall have no trust responsibility for the investment,
21 administration, or expenditure of the principal or in-
22 come of the Self-Sufficiency Fund.

23 (f) LANDS ACQUIRED USING INTEREST OR OTHER
24 INCOME OF THE SELF-SUFFICIENCY FUND.—Any lands
25 acquired using amounts from interest or other income of

1 the Self-Sufficiency Fund shall be held in trust by the Sec-
2 retary for the benefit of the tribe.

3 **SEC. 9. PLAN FOR USE OF GRAND TRAVERSE BAND OF OT-**
4 **TAWA AND CHIPPEWA INDIANS OF MICHIGAN**
5 **FUNDS.**

6 (a) LAND CLAIMS DISTRIBUTION TRUST FUND.—(1)
7 The share of the Grand Traverse Band of Ottawa and
8 Chippewa Indians of Michigan (hereafter in this section
9 referred to as the “Band”), as determined pursuant to
10 subsections (a)(3) and (b)(3) of section 4, shall be depos-
11 ited by the Secretary in a nonexpendable trust fund to
12 be established by the Tribal Council of the Band to be
13 known as the “Land Claims Distribution Trust Fund”
14 (hereafter in this section referred to as the “Trust
15 Fund”).

16 (2) The principal of the Trust Fund shall consist of—

17 (A) the funds deposited into the Trust Fund by
18 the Secretary pursuant to this subsection;

19 (B) annual earnings of the Trust Fund which
20 shall be retained, and added to the principal; and

21 (C) such other funds as may be added to the
22 Trust Fund by action of the Tribal Council of the
23 Band.

24 (b) MANAGEMENT OF THE TRUST FUND.—The Trib-
25 al Council of the Band shall be the trustee of the Trust

1 Fund and shall administer the Fund in accordance with
2 this section. In carrying out this responsibility, the Tribal
3 Council may retain or hire a professional trust manager
4 and may pay the prevailing market rate for such services.
5 Such payment for services shall be made from the current
6 income accounts of the Trust Fund and charged against
7 the earnings of the fiscal year in which the payment be-
8 comes due.

9 (c) TRUST FUND AS LOAN COLLATERAL.—(1) The
10 Trust Fund shall be used by the Band as collateral to
11 secure a bank loan equal to 80 percent of the principal
12 of the Trust Fund at the lowest interest rate then avail-
13 able. Such loan shall be used by the Band to make a one-
14 time per capita payment to all eligible members.

15 (2) The loan secured pursuant to this subsection shall
16 be amortized by the earnings of the Trust Fund. The
17 Tribal Council of the Band shall have the authority to in-
18 vest the principal of the Trust Fund on market risk prin-
19 ciples that will ensure adequate payments of the debt obli-
20 gation while at the same time protecting the principal.

21 (d) ELDERS' LAND CLAIM DISTRIBUTION TRUST
22 FUND.—(1) Upon the retirement of the loan obtained pur-
23 suant to subsection (c), the Tribal Council shall establish
24 the Grand Traverse Band Elders' Land Claims Distribu-
25 tion Trust Fund (hereafter in this section referred to as

1 the “Elders’ Trust Fund”). There shall be deposited into
2 the Elders’ Trust Fund the principal and all accrued earn-
3 ings that are in the Land Claims Distribution Trust Fund
4 on the date of retirement of such loan.

5 (2) Upon establishment of the Elders’ Trust Fund,
6 the Tribal Council of the Band shall make a one-time pay-
7 ment to any person who is living on the date of the estab-
8 lishment of the Elders’ Trust Fund, and who was an en-
9 rolled member of the Band for at least 2 years prior to,
10 the date of the enactment of this Act as follows:

11 (A) \$500 for each member who has attained the
12 age of 55 years, but is less than 62 years of age.

13 (B) \$1,000 for each member who has attained
14 the age of 62 years, but is less than 70 years of age.

15 (C) \$2,500 for each member who is 70 years of
16 age or older.

17 (3) After distribution pursuant to paragraph (2), the
18 net annual earnings of the Elders’ Trust Fund shall be
19 distributed as follows:

20 (A) 90 percent shall be distributed on October
21 1 of each year after the creation of the Elder’s
22 Trust Fund to all living enrolled members of the
23 Band who have attained the age of 55 years upon
24 such date, and who shall have been an enrolled

1 member of the Band for not less than 2 years upon
2 such date.

3 (B) 10 percent shall be added to the principal
4 of the Elders' Trust Fund.

5 (4) Distribution pursuant to paragraph (3)(A) shall
6 be as follows:

7 (A) One share for each person on the current
8 annual Elders' roll who has attained the age of 55
9 years, but is less than 62 years of age.

10 (B) Two shares for each person who has at-
11 tained the age of 62 years, but is less than 70 years
12 of age.

13 (C) Three shares for each person who is 70
14 years of age or older.

15 (5) None of the funds in the Elders' Trust Fund shall
16 be distributed or expended for any purpose other than as
17 provided in this subsection.

18 (6) The Elders' Trust Fund shall be maintained as
19 a separate account, which shall be audited at least once
20 during each fiscal year by an independent certified public
21 accountant who shall prepare a report on the results of
22 such audit. Such report shall be reasonably available for
23 inspection by the members of the Band.

24 (7) The Tribal Council of the Band shall prepare an
25 annual Elders' distribution roll and ensure its accuracy

1 prior to August 30 of each year. The roll shall identify
2 each member of the Band who has attained the minimum
3 age and membership duration required for distribution eli-
4 gibility pursuant to paragraph (3)(A).

5 (e) GENERAL PROVISIONS.—(1) In the event that a
6 tribal member eligible for a payment under this section
7 shall die after preparation of the annual distribution roll,
8 but prior to the distribution date, such payment shall be
9 paid to the estate of such member.

10 (2) In any case where a legal guardian has been ap-
11 pointed for a person eligible for a payment under this sec-
12 tion, payment of that person's share shall be made to such
13 guardian.

14 (f) NO SECRETARIAL RESPONSIBILITIES FOR TRUST
15 FUND.—The Secretary shall have no trust responsibility
16 for the investment, supervision, administration, or expend-
17 iture of the Land Claims Distribution Trust Fund or the
18 Elders' Trust Fund.

19 **SEC. 10. PAYMENT TO NEWLY RECOGNIZED OR RE-**
20 **AFFIRMED TRIBES.**

21 (a) ELIGIBILITY.—In order to be eligible for tribal
22 funds under this Act, a tribe that is not federally recog-
23 nized or reaffirmed on the date of the enactment of this
24 Act—

1 (1) must be a signatory to either the 1836 trea-
2 ty (7 Stat. 491) or the 1855 treaty (11 Stat. 621);

3 (2) must have a membership that is predomi-
4 nantly Chippewa and Ottawa;

5 (3) shall not later than 6 months after the date
6 of the enactment of this Act, submit to the Bureau
7 of Indian Affairs a letter of intent for Federal rec-
8 ognition if such a letter is not on file with the Bu-
9 reau of Indian Affairs; and

10 (4) shall not later than 3 years after the date
11 of the enactment of this Act, submit to the Bureau
12 of Indian Affairs a documented petition for Federal
13 recognition if such a petition is not on file with the
14 Bureau of Indian Affairs.

15 (b) DISTRIBUTION OF FUNDS ALLOTTED FOR
16 NEWLY RECOGNIZED OR REAFFIRMED TRIBES.—Not
17 later than 90 days after a tribe that has submitted a time-
18 ly petition pursuant to subsection (a) is federally recog-
19 nized or reaffirmed, the Secretary shall segregate and hold
20 in trust for such tribe, its respective share of the funds
21 described in sections 4(a)(1) and (b)(1), \$3,000,000 plus
22 30 percent of any income earned on the funds described
23 in section 4(a)(1) and (b)(1) up to the date of such dis-
24 tribution.

1 (c) DISTRIBUTION OF FUNDS ALLOTTED FOR CER-
2 TAIN INDIVIDUALS.—If, after the date of the enactment
3 of this Act and before approval by the Secretary of the
4 judgment distribution roll of descendants, Congress or the
5 Secretary recognizes a tribe which has as a member an
6 individual that is listed on the judgment distribution roll
7 of descendants as approved pursuant to section 6, the Sec-
8 retary shall, not later than 90 days after the approval of
9 such judgment distribution roll of descendants, remove
10 that individual's name from the descendants roll and re-
11 allocate the funds allotted for that individual to the fund
12 established for such newly recognized or reaffirmed tribe.

13 (d) FUNDS SUBJECT TO PLAN.—Funds held in trust
14 for a newly recognized or reaffirmed tribe shall be subject
15 to plans that are approved in accordance with this Act.

16 (e) DETERMINATION OF MEMBERSHIP IN NEWLY
17 RECOGNIZED OR REAFFIRMED TRIBE.—

18 (1) SUBMISSION OF MEMBERSHIP ROLL.—For
19 purposes of this section—

20 (A) if the tribe is acknowledged by the
21 Secretary under part 83 of title 25, Code of
22 Federal Regulations, the Secretary shall use the
23 tribe's most recent membership list provided
24 under such part;

1 (B) unless otherwise provided by the stat-
2 utes which recognizes the tribe, if Congress rec-
3 ognizes a tribe, the Secretary shall use the most
4 recent membership list provided to Congress. If
5 no membership list is provided to Congress, the
6 Secretary shall use the most recent membership
7 list provided with the tribe's petition for ac-
8 knowledgment under part 83 of title 25, Code
9 of Federal Regulations. If no such list was pro-
10 vided to Congress or under such part, the newly
11 recognized tribe shall submit a membership list
12 to the Secretary before the judgment distribu-
13 tion roll of descendants is approved or the judg-
14 ment funds shall be distributed per capita pur-
15 suant to section 6;

16 (C) a tribe that has submitted a member-
17 ship roll pursuant to this section may update its
18 membership rolls not later than 180 days before
19 distribution pursuant to section 6.

20 (2) FAILURE TO SUBMIT UPDATED MEMBER-
21 SHIP ROLL.—If a membership list was not pro-
22 vided—

23 (A) to the Secretary, the Secretary will use
24 the tribe's most recent membership list provided
25 to the Bureau of Indian Affairs in their petition

1 for Federal acknowledgment filed under part 83
2 of title 25, Code of Federal Regulations, unless
3 otherwise provided in the statute which recog-
4 nized the tribe;

5 (B) to the Bureau of Indian Affairs, the
6 newly recognized or reaffirmed tribe shall sub-
7 mit a membership list before the judgment dis-
8 tribution roll of descendants is approved by the
9 Secretary, unless otherwise provided in the stat-
10 ute which recognized the tribe; and

11 (C) before the judgment distribution roll of
12 descendants is approved, the judgment funds
13 shall be distributed per capita pursuant to sec-
14 tion 6.

15 **SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER**
16 **LAWS.**

17 The eligibility for or receipt of distributions under
18 this Act by a tribe or individual shall not considered as
19 income, resources, or otherwise when determining the eli-
20 gibility for or computation of any payment or other benefit
21 to such tribe, individual, or household under—

22 (1) any financial aid program of the United
23 States, including grants and contracts subject to the
24 Indian Self-Determination Act; or

1 (2) any other benefit to which such tribe,
2 household, or individual would otherwise be entitled
3 under any Federal or federally assisted program.

4 **SEC. 12. TREATIES NOT AFFECTED.**

5 No provision of this Act shall be construed to con-
6 stitute an amendment, modification, or interpretation of
7 any treaty to which a tribe mentioned in this Act is a party
8 nor to any right secured to such a tribe or to any other
9 tribe by any treaty.

 Passed the House of Representatives November 4,
1997.

Attest:

ROBIN H. CARLE,
Clerk.